

**REMARKS**

Please reconsider the application in view of the amendments and following remarks. Applicant thanks the Examiner for carefully considering this application and indicating that claims 10-13 contain allowable subject matter.

**Disposition of Claims**

Claims 10-14 and 31-33 are pending in this application. Claims 10 and 33 are independent. The remaining claims depend, directly or indirectly, from claims 10 and 33.

**Claim Amendments**

Claim 10 has been amended so as to be rewritten in independent form. Claims 14, 31, and 33 have been amended to more clearly recite the present invention. No new matter has been added by these amendments.

Claims 1-9, 15-30, and 34-36 have been canceled. Applicant respectfully reserves the right to re-assert canceled claims in the future in this, or another co-pending application claiming the benefit of this Application's filing date.

**Specification Amendments**

The specification has been amended to more clearly recite the present invention. No new matter has been added by these amendments. Support for these amendments can be found on page 9, line 4.

**Oath/Declaration**

The declaration was found to be defective for failing to include a dated signature of Kamila B. Abdur-Rahman. A petition under 37 CFR § 1.47 is submitted with this reply

showing the unavailability of Kamila B. Abdur-Rahman. It is respectfully requested that the application be examined without the signed Declaration of Kamila B. Abdur-Rahman.

### **Priority Claim**

Applicant respectfully traverses the Examiner's statement that claims 15-32 of the present application are not supported in the priority application. This issue is moot with respect to claims 15-30, given the cancellation of the claims in question. However, with respect to claims 31-32, support in the priority application may be found for example in paragraphs [0017] and [0022] of the priority application. The priority application discloses crosslinking polymers with polyvalent metal ions. Polyvalent metal ions, formaldehyde, and glutaraldehyde are all typical crosslinking additives known in the art. Furthermore, representative examples of polyvalent metal ions include  $\text{Fe}^{2+}$ ,  $\text{Cd}^{2+}$ ,  $\text{Co}^{2+}$ ,  $\text{Ca}^{2+}$ ,  $\text{UO}_2^{2+}$ ,  $\text{PbO}^{2+}$ ,  $\text{Al}^{3+}$ ,  $\text{Fe}^{3+}$ ,  $\text{Cr}^{3+}$ ,  $\text{Ce}^{3+}$ ,  $\text{Ti}^{4+}$ ,  $\text{Zr}^{4+}$ ,  $\text{Sn}^{4+}$  and mixtures thereof. Applicant respectfully requests that support for claims 31-32 in the priority application be acknowledged.

### **Claim Objections**

Claims 3, 9, and 26 were objected to for various informalities. Claims 3, 9, and 26 have been cancelled by this reply, and therefore, the objections to them are moot.

### **Rejections under 35 U.S.C. § 112**

Claims 15-18, 21-26, and 28-30 stand rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Claims 15-18, 21-26, and 28-30 have been cancelled in this reply. Thus, the rejection is now moot. Withdrawal of the rejection is respectfully requested.

Claim 34 stands rejected under 35 U.S.C. § 112, ¶ 2, as indefinite. Claims 34 has been cancelled in this reply. Thus, the rejection is now moot. Withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. § 102**

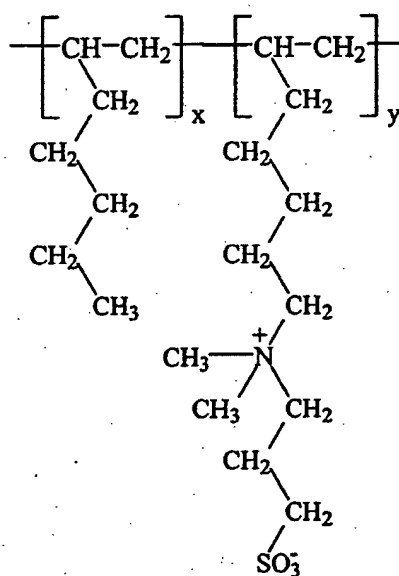
Claims 1, 9, 14, and 35-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,409,110 issued to Borchardt et al. ("Borchardt"). Claims 1, 9, and 35-36 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1, 9, and 35-36. With respect to claim 14, claim 14 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, dependent claim 14 is allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 9, 15, 17, 19, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by document WO 02/11874. Claims 9, 15, 17, 19, and 21 have been cancelled by this reply. Thus, the rejection is now moot. Withdrawal of this rejection is respectfully requested.

Claims 1-2, 5, 7, 9, 14-15, 17, 19, 21, 33, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0067855 ("Hughes"). Claims 1-2, 5, 7, 9, 15, 17, 19, 21 and 35 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1-2, 5, 7, 9, 15, 17, 19, 21 and 35. With respect to claim 14, claim 14 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, dependent claim 14 is allowable for at least the same reasons. Claim 33 has been amended in this reply to clarify the present invention

recited. To the extent that the rejection may still apply to the amended claim, the rejection is respectfully traversed.

With respect to claim 33, Hughes fails to teach, show, or suggest all of the elements of claim 33. Specifically, Hughes fails to recite an oligomer or polymer having the following structure:

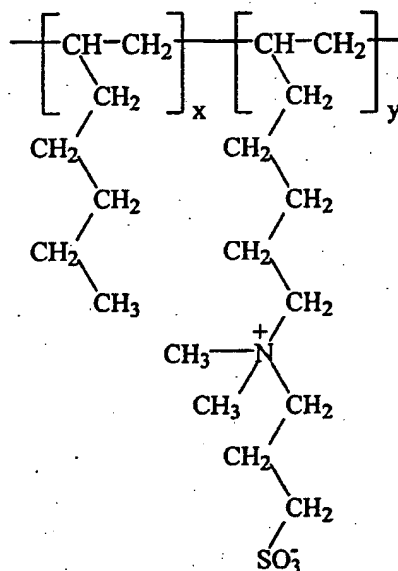


wherein  $x + y = 2$  to 300,000. Thus, because Hughes fails to show all of the elements of claim 33, claim 33 is patentable for at least these reasons. Withdrawal of this rejection of claims 1-2, 5, 7, 9, 14-15, 17, 19, 21, 33, and 35 is respectfully requested.

Claims 1-2, 9, 14, 33, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,767,869 issued to DiLullo et al. ("DiLullo"). Claims 1-2, 9, and 36 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1-2, 9, and 36. With respect to claim 14, claim 14 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus,

dependent claim 14 is allowable for at least the same reasons. Claim 33 has been amended in this reply to clarify the present invention recited. To the extent that the rejection may still apply to the amended claim, the rejection is respectfully traversed.

With respect to claim 33, DiLullo to teach, show, or suggest all of the elements of claim 33. Specifically, DiLullo fails to recite an oligomer or polymer having the following structure:

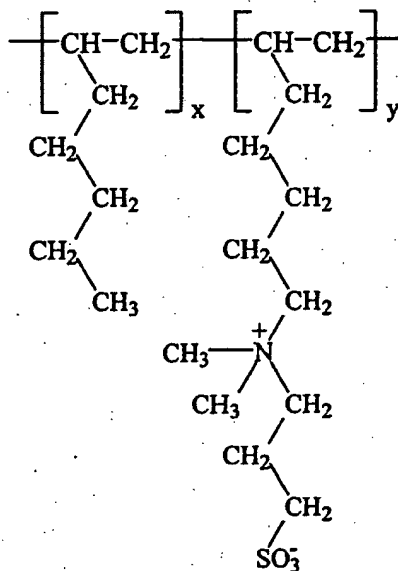


wherein  $x + y = 2$  to 300,000. Thus, because DiLullo fails to show all of the elements of claim 33, claim 33 is patentable for at least these reasons. Withdrawal of this rejection of claims 1-2, 9, 14, 33, and 36 is respectfully requested.

Claims 1-2, 9, 14, and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by WO 02/064947. Claims 1-2 and 9 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1-2 and 9. With respect to claim 14, claim 14 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner

to contain allowable subject matter. Thus, dependent claim 14 is allowable for at least the same reasons. Claim 33 has been amended in this reply to clarify the present invention recited. To the extent that the rejection may still apply to the amended claim, the rejection is respectfully traversed.

With respect to claim 33, WO 02/064947 fails to teach, show, or suggest all of the elements of claim 33. Specifically, WO 02/064947 fails to recite an oligomer or polymer having the following structure:



wherein  $x + y = 2$  to 300,000. Thus, because WO 02/064947 fails to show all of the elements of claim 33, claim 33 is patentable for at least these reasons. Withdrawal of this rejection of claims 1-2, 9, 14, and 33 is respectfully requested.

Claims 1-2, 9, 14, and 31-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,433,075 issued to Davies et al. ("Davies"). Claims 1-2 and 9 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1-2

and 9. With respect to claims 14 and 31-32, claims 14 and 31 have been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, claims 14 and 31-32, which depend either directly or indirectly from allowable claim 10, are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

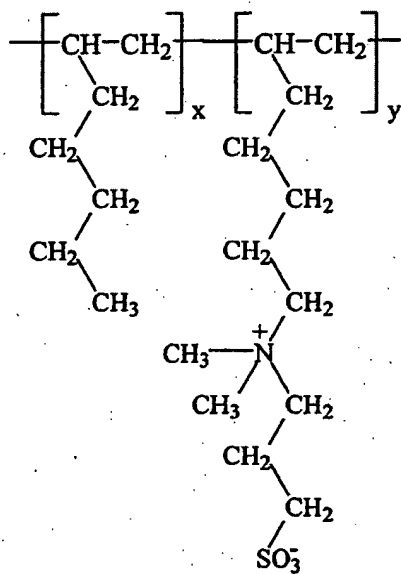
### **Rejections under 35 U.S.C. § 103**

Claims 1, 3-8, 9, 15-32, and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt in view of Hughes or in view of WO 02/11874, or in the case of claims 31-32, in view of Davies. Claims 1, 3-9, 15-30, and 35-36 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1, 3-9, 15-30, and 35-36. With respect to claims 31-32, claim 31 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, claims 31-32, which depend either directly or indirectly from allowable claim 10, are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 9 and 15-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/11874 and in the case of claims 31-32, in view of Davies. Claims 9 and 15-30 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 9 and 15-30. With respect to claims 31-32, claim 31 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, claims 31-32, which depend either directly or indirectly from allowable claim 10, are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 1, 5, 7, 9, 15-33, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hughes, and in the case of 31-32, in view of Davies. Claims 1, 5, 7, 9, 15-30, and 35 have been cancelled by this reply. Thus, the rejection is now moot with respect to claims 1, 5, 7, 9, 15-30, and 35. With respect to claims 31-32, claim 31 has been amended by this reply to depend from claim 10, which has been indicated by the Examiner to contain allowable subject matter. Thus, claims 31-32, which depend either directly or indirectly from allowable claim 10, are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested. Claim 33 has been amended in this reply to clarify the present invention recited. To the extent that the rejection may still apply to the amended claim, the rejection is respectfully traversed.

With respect to claim 33, Hughes fails to teach, show, or suggest all of the elements of claim 33. Specifically, Hughes fails to recite an oligomer or polymer having the following structure:



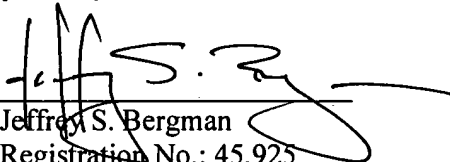


wherein  $x + y = 2$  to 300,000. Thus, because Hughes fails to show all of the elements of claim 33, claim 33 is patentable for at least these reasons. Withdrawal of this rejection of claims 1, 5, 7, 9, 15-33, and 35 is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05542/071002).

Dated: November 14, 2005

Respectfully submitted,

By 

Jeffrey S. Bergman  
Registration No.: 45,925  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant

Attachments